

IN THE IOWA DISTRICT COURT FOR MAHASKA COUNTY

STATE OF IOWA

COUNTY OF MAHASKA

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AFFIDAVIT IN SUPPORT OF  
COMPLAINT

I, Tony Birmingham, being first duly sworn on oath, depose and state:

I am a Special Agent with the Iowa Division of Criminal Investigation, Zone #1 office, Osceola, Iowa. The following information was discovered by me during the course of the investigation of this case. Based on this information, I have probable cause to believe that the defendant, Henry VanWeelden, committed Fraudulent Insurance Submission pursuant to Iowa Code 507E.3, by the following actions:

Henry VanWeelden is a Mahaska County Supervisor. He has served as a supervisor since 2000. He was elected to an additional term starting January 2009. Immediately prior to January 2009, Mr. VanWeelden's wife, Bonnie VanWeelden, was not covered on Mahaska County's self-funded insurance plan. Throughout his tenure as a supervisor, Mr. VanWeelden and the other Supervisors served as Trustees of Mahaska County's Insurance Fund and were responsible for making decisions as to eligibility and coverage. It was well established that to add a dependent to the insurance policy there was a 12 month waiting period unless the employee was newly elected to office or a newly hired employee.

In early January, 2009, Mr. VanWeelden spoke of his wife's upcoming surgery and indicated to one supervisor that he wanted to add his wife to his insurance through Mahaska County. He was told by this supervisor that he did not believe Bonnie was eligible because Mr. VanWeelden was not newly elected and Bonnie would have a 12 month waiting period. Mr. VanWeelden never brought the issue to vote at an open meeting of the Board of Supervisors. On January 16, 2009, Mr. VanWeelden wrote a letter to Mahaska County's insurance fund administrator, Auxient, stating that the Board of Supervisors were "in agreement" that his wife should be added and that she should not be subject to any "riders" (a 12 month waiting period) and that he was "newly elected." All of these statements were knowingly false.

As a result of these statements the insurance company erroneously covered Mrs. VanWeelden and paid claims to the detriment of Mahaska County's Insurance Fund.

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Affiant